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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KIM, AHSHIK

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/061,381

Applicant(s)

COLLINS ET AL.

Examiner

Ahshik Kim

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/1/02 (Initial filing of application).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to because of the following informalities:

5 Re claim 6, line 2, delete "standard".

Although one of ordinary skill in the art may have some concept as to what is meant by the Applicant's use of "standard checkstand hole", such term can be interpreted differently by others, causing the claim to be vague and ambiguous.

Appropriate correction is respectfully suggested.

10

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

15 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20 This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later
25 invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2876

2. Claims 1, 2, 5-8, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baitz et al. (US 6,206,285) in view of Joseph (US 5,635,906).

Re claims 1, 2, 5, 7, and 12, Baitz et al. teaches a checkout device 100 or 100' (fig. 1) for both self-service or assisted checkout (col. 1, lines 14+) wherein the base station 100 further
5 comprises a bottom plate (or a base portion), a weighing plate 104 (col. 3, lines 56), an aperture
32 within the weighing plate through which a barcode reader scans item to be processed.

Baitz et al. fail to specifically teach or fairly suggest that a security deactivation system is installed between the base portion and the weigh plate.

Joseph teaches a checkout system 40 (col. 2, lines 52+) comprising a barcode scanner 14,
10 a scale 16, and tag/label deactivating plate 42 (col. 3, lines 66+). The system allows the
deactivating pads can be installed underneath the weighing plate (col. 3, lines 23-26; col. 7, lines
60+). As further shown (col. 6, lines 26+), deactivation of security tags occurs after the label has
been scanned as recited in claims 2, 4 and 5. Although Joseph may not use term "interlock:" as
claimed in 5, the component parts (scanner, scale, and deactivator) are securely connected, and
15 the application ensures that deactivation takes place after scanning of item is completed.

In view of Joseph's teaching, it would have been obvious to an ordinary skill in the art at
the time the invention was made to further incorporate well-known security system to the
teachings of Baitz et al. in order to reduce loss resulting from theft and unauthorized removal of
deactivation label. Since Baitz embodiment includes both self-service checkout and assisted
20 checkout, adding security system preventing theft and shrinkage for self-service mode would
have been an obvious improvement. Such security system is well known in the art and widely
used in retail environment as disclosed in Joseph. The reference to Joseph teaches steps of

Art Unit: 2876

scanning, weighing and deactivating security tag/label. Accordingly, one ordinary skill in the art would be motivated to achieve such steps in integrated fashion to streamline checkout process, and reduce labor cost.

Re claim 6, Baitz et al. does not provide dimensional data for the checkout system.

5 However considering the size of housing 20 in relation to a conventional display 26 and keyboard 30 or the fact that printers 22 and 24 can be installed within the housing 20 (see figure 1) can lead one ordinary skill in the art to gauge the size of the housing 20. Since weighing plate 104 is the top portion of the housing 20, scale assembly can be installed within the housing, which may be smaller than dimensional value cited in the claim.

10 Re claim 8, the transaction terminal is comprised of a scanner, a scale, a printer 184, a display device 107, etc (col. 4, lines 15+). In order to achieve desired functionality (scanning, weighing and printing), it is inherent that the component parts are connected via cable or other means such that the data can be sent and received.

15 3. Claims 3, 4, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baitz et al. (US 6,206,285) as modified by Joseph (US 5,635,906) as applied to claim 1 above, and further in view of Kane et al. (US 6,154,135). The teachings of Baitz et al. as modified by Joseph have been discussed above.

Although Joseph discloses that the security tag and deactivating machine is
20 electromagnetic in nature (col. 1, lines 26+), Baitz et al. /Joseph fail to specifically teach or fairly suggest that deactivation system includes magnetic coil assembly.

Kane et al. teaches a point-of-sale (POS) checkout system wherein electromagnetic tag is deactivated by the deactivation devices including coils (col. 1, lines 42+).

Art Unit: 2876

Deactivating tags can be achieved utilizing various technologies such as radio frequency (RF) or electromagnetic field. One can choose an either embodiment to suit his/her own particular needs and constraints. In case of selecting electromagnetic field as disclosed in Joseph (col. 1, lines 26+), the activation/deactivation device almost certainly includes coils to generate
5 electromagnetic force as shown by Kane.

4. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baitz et al. (US 6,206,285) as modified by Joseph (US 5,635,906) as applied to claim 7 above, and further in view of Heptig et al. (US 5,377,269). The teachings of Baitz et al. as modified by Joseph have
10 been discussed above.

Baitz et al./Joseph fail to specifically teach or fairly suggest of utilizing Y-shaped connector.

Heptig et al. teaches a system for controlling access to a computer wherein Y-shaped cable comprising two cables 62 and 44 and a connector 18 and 44 is used to receive and transmit
15 data to printer38 (see figures 1a and 1b).

In view of Heptig's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to employ well-known Y-shaped cable to the teachings of in order to redirect data or power to desired components. It is the Examiner's view that Y-shaped cable is an extremely well known article and widely used in many industries. For example, a PC
20 system usually have one power cord for the main processor, and other components such as disk drives and CD-ROM drives obtains power from the main power source using flexible Y-shaped cables. Although Heptig's embodiment may not be a scanner or POS checkout system, such cable can be used in any data-processing environment wherein re-directing of data or power is

Art Unit: 2876

desired. Accordingly, one of ordinary skill in the art would be motivated to use well-known Y-shaped cable if desired.

5

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Denholm et al. (US 6,114,961); Kindschy (US 5,376,923); Mold (US 5,978,772); Canipe et al. (US 6,281,796); Plonsky (US 5,341,125); Dumont (US 5,587,703) disclose various checkout terminals and EAS deactivation/activation system.

10 II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (703)305-5203. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

15 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax number directly to the Examiner is (703) 746-4782. The fax phone number for this Group is (703)308-7722, (703)308-7724, or (703)308-7382.

20 Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

25 *All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

30



Ahshik Kim
Patent Examiner
Art Unit 2876
35 May 28, 2003



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